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DAILY REPORT

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Teaching Law in Moldova, Lawyer Appreciates Rule of Law Here

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I had the opportunity last month to teach law students at six universities across Moldova, a former Soviet republic located between Romania and Ukraine. Moldova is an interesting place because the culture, political system and economy are constantly being pulled back and forth between Russia and Western Europe.

As a free nation of only 26 years, Moldova does not have an established judicial tradition; it has an evolving civil law system and no jury trials. The country faces unique challenges with corruption inside and out of the legal system, due in large part to the enormous power held by judges and prosecutors over the outcome of cases.

Along with classes at the law schools across Moldova, the program, which is part of the Leavitt Institute for International Development, also provides training to Moldovan judges and prosecutors at the National Institute of Justice. Course work is designed to help instill democratic principles, advocacy skills and ethics to the 150 to 200 students who attend. At the conclusion of the two-



Briant Mildenhall teaching in Moldova.

semester program, students participate in a mock trial competition and are eligible to receive a three-week internship in the United States over the summer.

Immediately after arriving in the capital of Chisinau, I saw proof of the tensions there: street signs and billboards in both Romanian and Russian, protesters camped out near the parliament building and

Soviet-style apartment buildings mixed among 21st century commercial centers.

Despite the apparent unease, the students in my first classes, which focused on techniques for direct examination, were eager to learn from me and also teach me about their legal system. Even the future prosecutors and judges at the National Institute of Justice acknowledged that

their legal system needed reform, but they considered the corruption problems as an accepted part of life in Moldova. While the discussion focused mainly on trial advocacy skills, we also touched on ethics and the importance of the rule of law.

During my first lessons, I had an eye-opening experience while teaching the students techniques on building credibility of a witness. Part of the fact pattern the students had in their materials for the mock trial competition included a police investigation report from a fictional Chisinau detective. I commented that a law enforcement professional in the United States would have built-in credibility because of the profession and uniform. The students laughed at the idea that a Moldovan jury would believe a police detective because police are generally considered among the least credible and least honest persons in Moldova.

In my first week, I taught nine classes in Chisinau, one class in the southern city of Comrat, and one class in the northern city of Balti. The population in this region consists of Russian and Romanian speakers. I taught about half of the classes in Russian, a few in English, and a few with the help of a Romanian interpreter. (I lived in Russia from 1998 to 2000 as a missionary for the Church of Jesus Christ of Latter-Day Saints, and earned a degree in Russian in 2002, but I haven't had consistent practice with the language since then.)

Teaching in Moldova was a great chance to use my Russian, and the students enjoyed the interaction we had without the need of an interpreter. The students were surprised to hear an American speak to them in Russian, and they appreciated my attempts to communicate in their native language.



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The students were also not accustomed to the Socratic method of cooperative argumentative dialogue. Most of their law courses involve writing the professor's lecture word for word and then regurgitating that information on a test. It was very rewarding to see their critical thinking skills develop during my short time there.

Along with the classes, we had evening events that included a discussion on ethics, direct examination practice sessions, and a student alumni class on tort law. We also found time to visit a few historical sites, churches, a cave monastery and lovely parks in the city.

Over the weekend, most of the visiting attorneys travel to other places, such as Prague, Bucharest, Istanbul and Ukraine. I spent my weekend in Kiev, another city with multiple cultures and languages, and similar tensions between people who want closer ties with Russia and others who want to integrate into the European Union. Much of Eastern Europe is in the midst of a democratic crisis.

The second week of my time in Moldova was a rinse and repeat of

the first week. I taught the same students, but we changed the subject matter and covered techniques for cross-examination.

The students improved considerably from one week to the next, and it was sad to say goodbye. My last night there, I spoke to a human rights group called Action for Justice. We discussed how they can use their legal careers to promote the rule of law in Moldova. It was a fitting end to my time there.

I went on this trip for more than just practicing Russian. When I lived in Russia, I saw how corruption hurt the average person who was trying to survive day to day. I vowed then to try to improve the problem when I could.

I have two main takeaways from my Moldova teaching experience. First, I take for granted the constitutional rights and adherence to the rule of law that we enjoy in the United States.

Second, if the students I taught are any indicator, the future is bright in developing countries such as Moldova. Given the right tools, the rising generation will do their part to make improvements.

While a trip to Moldova is not right for everyone, I know there are other countries with similar programs. I would recommend this and similar programs to other attorneys as a great pro bono, CLE, and life experience opportunity.

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